

1 ROBBINS LLP
2 BRIAN J. ROBBINS (190264)
3 STEPHEN J. ODDO (174828)
4 SHANE P. SANDERS (237146)
5 5040 Shoreham Place
San Diego, CA 92122
Telephone: (619) 525-3990
Facsimile: (619) 525-3991
E-mail: brobbins@robbinsllp.com
soddo@robbinsllp.com
ssanders@robbinsllp.com

7 Attorneys for Plaintiffs Ian Green, Leo
8 Shumacher, Steve Sims, and Joseph Lipovich
and Proposed Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

12 VICTOR BAO, Derivatively on Behalf of
ALPHABET INC.,

-) Case No. 4:19-cv-00314-JSW
-)
-)
-)
-) REPLY IN SUPPORT OF MOTION TO
-) APPOINT ROBBINS ARROYO LLP AS
-) LEAD COUNSEL IN DERIVATIVE
-) ACTIONS

15 LAWRENCE E. PAGE, SUNDAR PICHAI,
16 RUTH M. PORAT, SERGEY BRIN, ERIC E.
17 SCHMIDT, L. JOHN DOERR, ROGER W.
18 FERGUSON, JR., DIANE B. GREENE,
JOHN L. HENNESSY, ANN MATHER,
ALAN R. MULALLY, and K. RAM
SCHRIRAM.

) LEAD COURSE IN DERIVATIVE
) ACTIONS

19 Defendants,

17

20 -and-

11

21 || ALPHABET INC.,

Judge: Hon. Jeffrey S. White

22 Nominal Defendant.

Hearing Date: November 15, 2019

[Caption continued on next page.]

Flanders,

V.

LAWRENCE E. PAGE, SUNDAR PICHAI,
RUTH M. PORAT, SERGEY BRIN, ERIC E.
SCHMIDT, L. JOHN DOERR, ROGER W.
FERGUSON, JR., DIANE B. GREENE, JOHN
L. HENNESSY, ANN MATHER, ALAN R.
MULALLY, and K. RAM SCHRIRAM,

Defendants,

-and-

ALPHABET INC.,

Nominal Defendant.

Date Action Filed: January 25, 2019
Judge: Hon. Jeffrey S. White

SCOTT GALBIATI, Derivatively on Behalf of
ALPHABET INC.,

Plaintiff,

V.

LARRY PAGE, SERGEY BRIN, ERIC E. SCHMIDT, L. JOHN DOERR, ROGER W. FERGUSON, JR., DIANE B. GREENE, JOHN L. HENNESSY, ANN MATHER, ALAN R. MULALLY, SUNDAR PICHAI, and K. RAM SHIRIRAM,

Defendants,

-and-

ALPHABET INC., a Delaware corporation,

Nominal Defendant.

) Date Action Filed: February 26, 2019
)) Judge: Jeffrey S. White

[Caption continued on next page.]

1 IAN GREEN, LEO SHUMACHER, and) Case No. 4:19-cv-01165-JSW
2 STEVE SIMS, Derivatively on Behalf of)
ALPHABET INC.,)
)

3 Plaintiffs,)
)

4 v.)
)

5 LARRY PAGE, SERGEY BRIN, SUNDAR)
PICHAI, DAVID C. DRUMMOND, DIANE)
B. GREENE, ERIC E. SCHMIDT, RUTH M.)
PORAT, JOHN L. HENNESSY, K. RAM)
SHIRIRAM, L. JOHN DOERR, ANN)
MATHER, ALAN R. MULALLY, ROGER)
W. FERGUSON, JR, SHIRLEY M.)
TILGHMAN, ANDREW E. RUBIN, and)
AMIT SINGHAL,)
)

10 Defendants,)
)

11 -and-)
)

12 ALPHABET INC., a Delaware Corporation,)
)

13 Nominal Defendant.)
)

) Date Action Filed: March 1, 2019
Judge: Hon. Jeffrey S. White
)

15 JOSEPH LIPOVICH, Derivatively on Behalf) Case No. 4:19-cv-01295-JSW
of ALPHABET INC.,)
)

16 Plaintiff,)
)

17 v.)
)

18 LARRY PAGE, SERGEY BRIN, SUNDAR)
PICHAI, DAVID C. DRUMMOND, DIANE)
B. GREENE, ERIC E. SCHMIDT, RUTH M.)
PORAT, JOHN L. HENNESSY, K. RAM)
SHIRIRAM, L. JOHN DOERR, ANN)
MATHER, ALAN R. MULALLY, ROGER)
W. FERGUSON, JR, SHIRLEY M.)
TILGHMAN, ANDREW E. RUBIN, and)
AMIT SINGHAL,)
)

23 Defendants,)
)

24 -and-)
)

25 ALPHABET INC., a Delaware Corporation,)
)

26 Nominal Defendant.)
)

) Date Action Filed: March 11, 2019
Judge: Hon. Jeffrey S. White
)

1 Moving Plaintiffs Ian Green, Leo Shumacher, Steve Sims, and Joseph Lipovich, the named
 2 plaintiffs in two of the related shareholder derivative actions filed on behalf of Alphabet Inc. ("Alphabet")
 3 in this Court, respectfully submit this reply in support of their Motion to Appoint Robbins Arroyo LLP as
 4 Lead Counsel in Derivative Actions (the "Motion").¹

5 As discussed in the Moving Plaintiffs' opening brief, the appointment of Robbins LLP
 6 ("Robbins")² as Lead Counsel in this litigation is appropriate given the firm's qualifications to lead the
 7 prosecution of the derivative claims, its desire and ability to pursue this litigation in the Company's and
 8 its stockholders' best interests, its efforts in this litigation to date, and its willingness and ability to commit
 9 the resources necessary to fully prosecute the derivative claims. Motion at 3-9. All of the Plaintiffs in the
 10 Related Derivative Actions agree that Robbins should be appointed Lead Counsel.³ Declaration of Shane
 11 P. Sanders in Support of Motion to Appoint Robbins Arroyo LLP as Lead Counsel in Derivative Actions,
 12 ¶3.

13 The only opposition papers were filed by the Alphabet Defendants.⁴ The Alphabet Defendants,
 14 however, do not have any substantive opposition or objection to the appointment of Robbins as Lead
 15 Counsel. Alphabet Defendants' Opposition to Motion to Appoint Robbins Arroyo as Lead Counsel in
 16 Derivative Actions ("Opp.") at 3 ("[T]he Alphabet Defendants take no position on which firm should serve
 17 as lead ..."). Rather, the Alphabet Defendants merely argue that the appointment of Lead Counsel is
 18 "premature" because the Alphabet Defendants have requested a stay and the Court has not yet entered an
 19

20 ¹ Moving Plaintiffs have conferred with counsel for the Alphabet Defendants (as defined in footnote 4)
 21 and, unless the Court wishes to hear oral argument on this Motion, the parties are amenable to the Court
 22 vacating the hearing currently scheduled for November 15, 2019 and ruling on the papers that have been
 23 submitted by the parties.

24 ² As of October 30, 2019, the law firm of Robbins Arroyo LLP is now known as Robbins LLP. A Notice
 25 of Firm Name Change is filed concurrently herewith.

26 ³ "Plaintiffs" refers collectively to the Moving Plaintiffs and plaintiffs Victor Bao, Daniel Cordeiro, and
 27 Scott Galbiati.

28 ⁴ "Alphabet Defendants" refers to nominal defendant Alphabet and individual defendants Lawrence E.
 29 Page, Sundar Pichai, Ruth M. Porat, Sergey Brin, Eric E. Schmidt, L. John Doerr, Roger W. Ferguson Jr.,
 30 Diane B. Greene, John L. Hennessy, Ann Mather, Alan R. Mulally, K. Ram Schriram, David C.
 31 Drummond, and Shirley M. Tilghman. Neither defendant Andrew E. Rubin nor Amit Singhal filed an
 32 opposition or response to the Motion.

1 order consolidating the Related Derivative Actions. Opp. at 1, 3. But the mere fact that the Alphabet
2 Defendants want the Related Derivative Actions stayed in no way precludes the parties and the Court from
3 organizing the cases to ensure the orderly and efficient litigation of the derivative claims moving forward.
4 The Alphabet Defendants do not, because they cannot, cite a single case suggesting that motions for
5 consolidation and/or for the appointment of lead counsel are improper – or otherwise should not be granted
6 – simply because defendants would like the litigation to be stayed.

7 For the reasons stated herein and in their opening brief, Moving Plaintiffs respectfully request that
8 the Court grant their Motion and appoint Robbins as Lead Counsel.

9

10 Dated: November 1, 2019

Respectfully submitted,

11 ROBBINS LLP

12

/s/ Shane P. Sanders

13 SHANE P. SANDERS

14

BRIAN J. ROBBINS
STEPHEN J. ODDO
SHANE P. SANDERS
5040 Shoreham Place
San Diego, CA 92122
Telephone: (619) 525-3990
Facsimile (619) 525-3991
E-mail: brobbins@robbinsllp.com
soddo@robbinsllp.com
ssanders@robbinsllp.com

15

16 *Counsel for Plaintiffs Ian Green, Leo*
Shumacher, Steve Sims, and Joseph Lipovich
and [Proposed] Lead Counsel for Plaintiffs

17

18

19

20

21

22

23

24

25

26

27

28 - 2 -

1
CERTIFICATE OF SERVICE

2 I hereby certify that on November 1, 2019, a copy of the foregoing Reply in Support of Motion to
3 Appoint Robbins Arroyo LLP As Lead Counsel In Derivative Actions was electronically filed with the
4 Clerk of Court in the following actions:

5 ***Lipovich v. Page, et al., Case No. 4:19-cv-01295-JSW***

6 ***Green, et al. v. Page, et al., Case No. 4:19-cv-01165-JSW***

7 ***Bao v. Page, et al., Case No. 4:19-cv-00314-JSW***

8 ***Cordeiro v. Page, et al., Case No. 4:19-cv-00447-JSW***

9 ***Galbiati v. Page, et al., Case No. 4:19-cv-01063-JSW***

10 Notice of this filing will be sent via e-mail to all parties, in each action, by operation of the Court's
11 electronic filing system or by U.S. Mail to anyone unable to accept electronic filing as indicated on the
12 Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

13
14

/s/ Shane P. Sanders
SHANE P. SANDERS